

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 13-42355

In re:

Donald Andrew Driggs,

Debtor.

NOTICE OF SETTLEMENT

To: The United States Trustee, all creditors and other parties in interest.

On or after, December 9, 2016, or as soon thereafter as the transaction may be completed, the undersigned trustee of the estate of the debtor named above will settle a claim of the bankruptcy estate as follows:

Plaintiff Mary Cocchiarella ("Tenant"), by and through her attorney, and Defendant Donald A. Driggs ("Landlord") (collectively, "the parties"), and with the participation and approval of Chapter 7 Bankruptcy Trustee Randall L. Seaver, jointly stipulate as follows:

On June 5, 2014, pursuant to Stipulation of Tenant and Landlord, Hennepin County District Court Referee JaPaul J. Harris entered an Order directing that \$4800 (forty-eight hundred no xx/00 dollars) ("bond deposit")--on deposit with the Housing Court in connection with the Tenant's lockout petition---be held by the Court as and for bond pending the determination of the Tenant's Judge Review action, brought following the Referee's ruling on Tenant's lockout petition. All of these funds originated with Tenant. On October 21, 2014, District Court Judge Marta M. Chou entered an Order affirming the Referee's lockout petition decision, which had dismissed Tenant's lockout petition with prejudice. On May 8, 2013, Landlord filed a petition for relief pursuant to Chapter 11 of the United States Bankruptcy Code, and that Chapter 11 case was converted to a Chapter 7 case pursuant to an Order of the Bankruptcy Court dated August 27, 2014. The facts giving rise to this state court lockout petition took place after May 8, 2013, but prior to August 27, 2014, thus any possible claim Landlord may have against the bond deposit, since it has not been exempted, is property of Landlord's bankruptcy estate, subject to administration by the Chapter 7 Trustee, pursuant to 11 U.S.C. § 704. Pursuant to Stipulation of the parties, on May 25, 2014, the Bankruptcy Court entered an Order granting Tenant relief from the automatic stay to pursue this state court action. On October 31, 2014, Tenant served and filed a Notice of Appeal and related documents, seeking review of Judge Chou's ruling in the Minnesota Court of Appeals. On September 8, 2015, the Minnesota Court of Appeals filed its decision affirming in part, reversing in part, and remanding the matter to the Housing Court for further proceedings. On October 8, 2015, Tenant served and filed a Petition for Review with the Minnesota Supreme Court. On December 15, 2015, the Minnesota Supreme Court filed an Order granting Tenant's Petition for Review. On August 31, 2016, the Minnesota Supreme Court filed its decision reversing that part of the decision of the Minnesota Court of Appeals ruling under review, and remanded the matter to the Housing Court for further proceedings. On October 19, 2016 the Housing Court issued a Notice of Hearing setting this matter for hearing 8:30 a.m. Wednesday, November 16, 2016.

The parties have agreed to resolve all issues relating to this matter on the following terms:

1. Landlord agrees and Stipulates that the entire \$4800 (forty eight hundred dollars) currently on deposit with the housing court or with the district court administrator as bond pursuant to the Housing Court's Order of June 5, 2014, may be immediately released to Tenant, and that Landlord will not oppose any motion or request for its release by Tenant, and Landlord will not make any claims for deductions of any kind from this \$4800, and Landlord permanently waives any claims for costs, disbursements, or fees in connection with this action and also in connection with bankruptcy adversary proceeding no. 14-4227 (WJF). Further, Landlord agrees to cooperate and execute documents as may be necessary to give this Stipulation full effect and conclude the above adversary proceeding.

2. Upon approval of this Stipulation in both the Housing Court and the U.S. Bankruptcy Court, the parties agree that the Court may immediately dismiss this action, no. 27-CV-HC-14-967.

3. Each party shall bear his or her own costs in Housing Court action no. 27-CV-HC-14-967, and in bankruptcy adversary proceeding no. 14-4227 (WJF). Each party expressly waives any claim or entitlement to costs, disbursements, or attorney's fees, whether available pursuant to statute or otherwise. Tenant releases all claims against the bankruptcy estate in case no. 13-42355 WJF, and withdraws with prejudice her proof of claim filed in that bankruptcy case.

4. Landlord and the bankruptcy estate in Landlord's bankruptcy case permanently waive any and all claims, counterclaims, cross claims, causes of action, or the like Landlord or the bankruptcy estate in Landlord's bankruptcy case had or may have had against Tenant in connection with Tenant's lockout petition or events preceding and giving rise to, or related to Tenant's lockout petition, and permanently release Tenant from any such claims, counterclaims, cross claims or causes of action, actual or possible.

5. All terms of this Stipulation are inter-dependent.

6. This Stipulation constitutes the full and complete agreement of the parties, and may be modified only by subsequent agreement signed by all parties and the Chapter 7 Trustee. Acceptance of this Settlement offer by Landlord shall be by notarized signature of Landlord. Tenant reserves the right to revoke this Settlement offer at any time before Landlord's acceptance is received by Tenant's legal counsel.

7. This Settlement Agreement and Stipulation is subject to and contingent upon Bankruptcy Court approval, which shall be sought by the Trustee. The trustee believes the settlement terms to be reasonable and in the best interest of the estate.

OBJECTION: MOTION: HEARING. Under applicable rules, any objection must be in writing, be delivered to the trustee and the United States Trustee, and be filed with the clerk, not later than 12:00 o'clock noon on the day before the above date. If an objection is made or an order is required, the trustee moves the court for such orders as may be necessary and appropriate. If an

objection is timely delivered and filed, the court will hold an expedited hearing on the objection with reduced notice of the hearing. The hearing will be scheduled by the trustee with notice by the trustee to the objecting party and the United States Trustee.

Office of the Clerk
U.S. Bankruptcy Court
300 South Fourth Street, Suite 301
Minneapolis, MN 55415

Office of the U.S. Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Trustee (see address
below)

Dated: November 16, 2016

/e/ Randall L. Seaver

Randall L. Seaver, Trustee
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE: DONALD ANDREW DRIGGS

CASE NO: 13-42355

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 7

ECF Docket Reference No.

Judge:

Hearing Location:

Hearing Date:

Hearing Time:

Response Date:

On 11/16/2016, I did cause a copy of the following documents, described below,

Notice of Settlement,

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

DATED: 11/16/2016

/s/ Randall L. Seaver

Randall L. Seaver 152882
Trustee in Bankruptcy
12400 Portland Avenue South
Burnsville, MN 55337
952 890 0888
tjameson@fssklaw.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE: DONALD ANDREW DRIGGS

CASE NO: 13-42355

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 7
ECF Docket Reference No.
Judge:
Hearing Location:
Hearing Date:
Hearing Time:
Response Date:

On 11/16/2016, a copy of the following documents, described below,
Notice of Settlement,

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 11/16/2016



Jay S. Jump
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
Trustee in Bankruptcy
Randall L. Seaver
12400 Portland Avenue South
Burnsville, MN 55337

CASE INFO

1 LABEL MATRIX FOR LOCAL NOTICING
08644
CASE 13-42355
DISTRICT OF MINNESOTA
MINNEAPOLIS
WED NOV 16 10-23-33 CST 2016

2 BANK OF AMERICA NA
CO WILFORD GESKE COOK PA
8425 SEASONS PKWY SUITE 105
WOODBURY MN 55125-4393

3 CITIMORTGAGE INC
4500 PARK GLEN ROAD
SUITE 300
MINNEAPOLIS MN 55416-4891

4 CITIMORTGAGE INC
CO WILFORD GESKE COOK PA
8425 SEASONS PARKWAY
SUITE 105
WOODBURY MN 55125-4393

5 FIA CARD SERVICES NA
4161 PIEDMONT PARKWAY
NC4 105 03 14
GREENSBORO NC 27410

6 FULLER SEAVER SWANSON KELSCH
12400 PORTLAND AVENUE SOUTH STE 132
BURNSVILLE MN 55337-6805

7 IRS
SPECIAL ASST US ATTORNEY
380 JACKSON ST STE 650
ST PAUL MN 55101-4804

8 JPMORGAN CHASE BANK NATIONAL
ASSOCIATION
4500 PARK GLEN ROAD
SUITE 300
ST LOUIS PARK MN 55416-4891

9 NATIONSTAR MORTGAGE LLC
WILFORD GESKE COOK PA
8425 SEASONS PKWY SUITE 105
WOODBURY MN 55125-4393

10 THE BANK OF NEW YORK MELLON FKA
THE BANK OF
SHAPIRO ZIELKE LLP
12550 WEST FRONTAGE ROAD
SUITE 200
BURNSVILLE MN 55337-2475

11 WELLS FARGO BANK NA
25 N DALE ST 2ND FLR
ST PAUL MN 55102-2227

EXCLUDE

~~12 MINNEAPOLIS~~
~~301 US COURTHOUSE~~
~~300 SOUTH FOURTH STREET~~
~~MINNEAPOLIS MN 55415-1320~~

13 CITIMORTGAGE INC
PO BOX 688971
DES MOINES IA 50368-8971

14 A J DRIGGS
12135 13TH ST NW
SPICER MN 56288-9314

15 ACMC
PO BOX 1318
WILLMAR MN 56201-1318

16 ARNEL OIL CO
33 OLD HYW 8 NW
NEW BRIGHTON MN 55112

17 AURORA LOAN SERVICES
2617 COLLEGE PARK
PO BOX 1706
SCOTTSBLUFF NE 69363-1706

18 BANK OF AMERICA
PO BOX 15726
WILMINGTON DE 19886-5726

19 BANK OF AMERICA
PO BOX 15726
WILMNGTON DE 19886-5726

20 BDS
2430 ENTERPRISE DRIVE
SAINT PAUL MN 55120-1143

21 BERGERSON CASWELL
5115 INDUSTRIAL STREET
MAPLE PLAIN MN 55359-8610

22 CENTERPOINT ENERGY
PO BOX 1144
MINNEAPOLIS MN 55440-1144

23 CENTERPOINT ENERGY
PO BOX 4567
HOUSTON TX 77210-4567

24 CHASE BANK
PO BOX 78420
PHEONIX AZ 85062-8420

25 CHASE CARDMEMBER SERVICES
PO BOX 94014
PALATINE IL 60094-4014

26 CHASE CARDMEMBER SVCS
PO BOX 790005 ATTN MS305
PALATINE IL 60094-4014

27 CIT I MORTGAGE
PO BOX 689196
DES MOINES IA 50368-9196

28 CITI MORTGAGE
PO BOX 790005
ATN MS 305
SAINT LOUIS MO 63179-0005

29 CITY OF ORONO
2750 KELLEY PARKWAY
CRYSTAL BAY MN 55323

30 CITY OF ORONO
750 KELLEY PKWY
CRYSTAL BAY MN 55323

31 CITY OF ORONO
PO BOX 66
CRYSTAL BAY MN 55323-0066

32 CONVERGENT OUTSOURCING INC
800 SW 39TH
PO BOX 9004
RENTON WA 98057-9004

33 COY ASSOCIATES
5700 SMETANA DR STE 110
HOPKINS MN 55343-9686

34 CRAIG HOLMGREN
412 LAKELAND DRIVE NE
WILLMAR MN 56201-2605

35 CROWN BANK EDINA
6600 FRANCE AVE SO
EDINA MN 55435-1805

36 CHARLES PRIESS
8817 W 35TH STREET
315
ST LOUIS PARK MN 55426-3899

37 DAVID UMBEHOCKER
3860 SHORELINE DRIVE
WAYZATA MN 55391-9785

38 DISCH JOSEPH ET AL
11189 HILLSBORO AVE NO
CHAMPLIN MN 55316-3128

39 DOOLEYS PETROLEUM INC
PO BOX 100
MURDOCK MN 56271-0100

40 FIA CARD SERVICES NA
P O BOX 982284
EL PASO TX 79998-2284

41 FIRST NATIONAL BANK OF LAKES
2445 SHADYWOOD RD
NAVARRE MN 55392

42 HINSHAW CULBERTSON
333 S 7TH ST
SUITE 2000
MINNEAPOLIS MN 55402-2431

43 HOLLY L NEFF
3543 24TH AVE S
MINNEAPOLIS MN 55406-2529

44 INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

45 JC CHRISTENSEN ASSOC
PO BOX 519
SAUK RAPIDS MN 56379-0519

46 JPMORGAN CHASE BANK NATIONAL
ASSOCIATION
3415 VISION DRIVE MAIL CODE OH47142
COLUMBUS OH 43219-6009

47 KANDIYOHI COUNTY
PO BOX 896
WILLMAR MN 56201-0896

48 LDC COLLECTIONS
PO BOX 4967
TRENTON NJ 08650-4967

49 MARILYN WASIK
3201 HENNEPIN AVE
MINNEAPOLIS MN 55408-3448

50 MARILYN WASIK
5452 EMERSON AVE S
MINNEAPOLIS MN 55419-1619

51 MARY COCCHIARELLA
1096 E ST
ST PAUL MN 55106

52 MARY COCCHIARELLA
CO GARY VAN WINKLE ESQ
430 FIRST AVENUE NORTH 300
MINNEAPOLIS MN 55401-1742

53 MINNEAPOLIS FINANCE DEPT
PO BOX 77028
MINNEAPOLIS MN 55480-7728

54 MN DEPARTMENT OF REVENUE
BANKRUPTCY SECTION
PO BOX 64447
ST PAUL MN 55164-0447

55 MN DEPT OF LABOR INDUSTRY
443 LAFAYETTE ROAD
SAINT PAUL MN 55155-4301

56 NATIONSTAR MORTGAGE LLC
PO BOX 619096
DALLAS TX 75261-9096

57 NATIONSTAR MORTGAGE
PO BOX 650783
DALLAS TX 75265-0783

58 NORTHERN STATES POWER
EXCEL ENERGY
PO BOX 9477
MINNEAPOLIS MN 55484-9477

59 NORTHERN STATES POWER CO
XCEL ENERGY
3215 COMMERCE ST
LA CROSSE WI 54603-1755

60 NSP DBA XCEL ENERGY
PO BOX 9477
MINNEAPOLIS MN 55484-0001

61 PARK HEATING COOLING
7801 PARK DRIVE
CHANHASSEN MN 55317-9210

62 PAUL REGIONAL WATER SERVICE
1900 RICE STREET
SAINT PAUL MN 55113-6810

63 PAULA ANDERSON
3990 SUNSET DRIVE
SPRING PARK MN 55384-8401

64 PYOD LLC ITS SUCCESSORS AND
ASSIGNS AS ASSI
OF ROUNDUP FUNDING LLC
RESURGENT CAPITAL SERVICES
PO BOX 19008
GREENVILLE SC 29602-9008

65 RICK M ILLIES
1605 MAPLE MANOR ROAD
MOUND MN 55364-1152

66 RMS
4836 BRECKSVILLE ROAD
RICHFIELD OH 44286-9178

67 ROD MCCHARLES
7650 HALSTEAD DR
MINNETRISTA MN 55364-9594

68 ROMER ASSOCIATES
2318 1ST AVE SO
MINNEAPOLIS MN 55404-3405

69 SARAH MOLLET
2277 CARTER AVE
SAINT PAUL MN 55108-1661

70 TONY MUDEK WASTE SERVICE
BOX 248
NEWPORT MN 55055-0248

71 TRANSWORLD SYSTEM
PO BOX 15520
WILMINGTON DE 19850-5520

72 UPTOWN TRANSFER
3040 FOURTH AVE SO
MINNEAPOLIS MN 55408-2409

73 UPTOVLN TRANSFER
3040 4TH AVE SO
MINNEAPOLIS MN 55408-2409

74 US TRUSTEE
1015 US COURTHOUSE
300 S 4TH ST
MINNEAPOLIS MN 55415-3070

75 UNITED STATES TRUSTEES
300 SOUTH FOURTH STREET
SUITE 1015
MINNEAPOLIS MN 55415-3070

76 WELLS FARGO HOME MTG
PO BOX 5296
CAROL STREAM IL 60197-5296

77 WILLIAM H HENNEY
5101 THIMSEN AVE STE 200
MINNETONKA MN 55345-4116

78 WELLS FARGO BANK NA
ONE HOME CAMPUS MAC X230204C
BANKRUPTCY PAYMENT PROCESSING
DES MOINES IA 50328-0001

DEBTOR

79 YOCUM OIL
2719 STILLWATER ROAD
SAINT PAUL MN 55119-3694

80 DONALD ANDREW DRIGGS
POST OFFICE BOX 405
SPRING PARK MN 55384-0405

81 DOUGLAS STONE
H R BLOCK
6312 MINNETONKA BLVD
ST LOUIS PARK MN 55416-2061

82 JOSEPH W DICKER
JOSEPH W DICKER PA
1406 WEST LAKE STREET
SUITE 208
MINNEAPOLIS MN 55408-2653

83 LINDA M BERREAU CPA
16418 GLADYS LANE
MINNETONKA MN 55345-2840

84 MARY L COCCHIARELLA
1096 EARL ST
ST PAUL MN 55106-2705

EXCLUDE

~~85 RANDALL L SEAVER
12400 PORTLAND AVENUE SOUTH
SUITE 102
BURNSVILLE MN 55337-6005~~

86 THOMAS FLYNN
LARKIN HOFFMAN DALY LINDGREN
8300 NORMAN CENTER DR
STE 1000
BLOOMINGTON MN 55437-1060